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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
	)	Case No.: 2:10-CR-00287-GMN-VCF
Plaintiff/Judgment Creditor,)	
	)	UNITED STATES' <i>EX PARTE</i>
v.	)	APPLICATION FOR WRIT OF
	)	CONTINUING GARNISHMENT
JASON KELLOW,	)	AGAINST DEFENDANT JASON
	)	KELLOW
Defendant/Judgment Debtor,)	
)	
and)	
)	
PETER LIK RETAIL USA, INC, and its)	
successors or assigns,)	
)	
Garnishee.)	
)	
)	

In accordance with 18 U.S.C. § 3613 and 28 U.S.C. §§ 3002, 3202, and 3205, the United States of America ("United States") applies for issuance of a Writ of Continuing Garnishment for substantial nonexempt property belonging to or due Defendant/Judgment Debtor Jason Kellow ("Kellow").

This Court entered judgment against Kellow on April 4, 2013, such judgment including an order of restitution in the amount of \$1,000,000.00, payable jointly and severally. ECF No. 208. As of August 30, 2017, \$13,547.00 has been paid toward the restitution leaving a principal balance on the restitution of \$987,053.00. The judgment is collecting interest at 0.130%, said

1 interest having accrued in the amount of \$5,605.57 from the fifteenth day after the judgment was
 2 entered. Thus, inclusive of both principal and interest, there is an outstanding balance on the
 3 judgment of \$992,658.57. Pursuant to 18 U.S.C. § 3613(c), upon entry of judgment a lien arose
 4 against all of Kellow's property and rights to property.¹

5 Kellow's full name is Jason Joseph Kellow. His social security number is ***-**-9491.
 6 His last known address is Las Vegas, Nevada 89135.² More than 30 days have elapsed since
 7 demand for payment of the debt was made, but payment has not been made.

8 To enforce the judgment entered against Kellow in this matter, the United States requests
 9 that a Writ of Continuing Garnishment be issued for service upon the Garnishee, whose name,
 10 address, and authorized agent/s are:

11 Peter Lik Retail USA, Inc.
 12 c/o Oshins & Associates, Registered Agent
 13 c/o Peter Lik, President
 14 1645 Village Center Circle, Suite 170
 15 Las Vegas, NV 89134

16 The Garnishee and its affiliates, successors, or assigns are believed to be in possession,
 17 custody, or control of substantial nonexempt property belong to or due Kellow, including but not
 18 limited to nonexempt disposable earnings.³

19 To prevent the transfer or dissipation of nonexempt assets, applications for writs under
 20 the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 *et seq.*, are necessarily submitted
 21 *ex parte* without notice to judgment debtors and their insiders until after process has been served
 22 on whomever is holding the subject property. After the Garnishee has been served, pursuant to

23 ¹ 18 U.S.C. § 3613 is applicable to enforcement of a restitution order pursuant to 18 U.S.C. §
 24 3664(m)(1)(A)(i).

25 ² Kellow's social security number and address have been redacted pursuant to LR IC 6-1 and Fed. R.
 26 Civ. P. 5.2.

27 ³ "'Earnings' means compensation paid or payable for personal services, whether denominated as
 28 wages, salary, commission, bonus, or otherwise, and includes period payments pursuant to a pension or
 retirement program." 28 U.S.C. § 3002(6). "'Disposable earnings' means that part of earnings
 remaining after all deductions required by law have been withheld." 28 U.S.C. § 3002(5). "'Nonexempt
 disposable earnings' means 25 percent of disposable earnings, subject to section 303 of the Consumer
 Credit Protection Act." 28 U.S.C. § 3002(9).

1 28 U.S.C. 3202(c), the United States will serve Kellow and each person whom the United States
2 has reasonable cause to believe has an interest in the property subject to the Writ of Garnishment.

3 Dated this 31st day of August 2017.

4 STEVEN W. MYHRE
5 Acting United States Attorney

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MARK E. WOOLF
8 Assistant United States Attorney
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
	)	Case No. 2:10-cr-00287-GMN-VCF
Plaintiff/Judgment Creditor,)	
)	
v.	)	ORDER
)	
JASON KELLOW,)	
)	
Defendant/Judgment Debtor,)	
)	
and)	
)	
PETER LIK RETAIL USA, INC., and its)	
successors or assigns,)	
)	
Garnishee.)	

Before the Court is the United States' *Ex Parte* Application for a Writ of Continuing Garnishment. After consideration, the Court finds that the application meets the requirements of 28 U.S.C. § 3205. Accordingly,

IT IS HEREBY ORDERED that the Clerk of the Court issue a Writ of Garnishment to the Garnishee and a Clerk's Notice of Garnishment and provide them to the United States. The Clerk shall maintain the Application for Writ of Garnishment and this Order with their *ex parte* restriction until such time as the United States certifies that it has completed service of the writ on the Garnishee. The United States shall promptly notify the Clerk when service of process is complete.



Cam Ferenbach
United States Magistrate Judge

DATE:

9-1-2017

Exhibit

Writ of Garnishment (and accompanying documents)

Clerk's Notice of Post-Judgment Garnishment

Notice to Judgment Debtor On How to Claim Exemptions and
Further Instructions

Claim for Exemptions, Request for Hearing, and/or Request for
Transfer

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	
	)	Case No. 2:10-cr-00287-GMN-VCF
Plaintiff/Judgment Creditor,)	
	)	WRIT OF
v.	)	CONTINUING GARNISHMENT
)	
JASON KELLOW,)	
)	
Defendant/Judgment Debtor,)	
)	
and)	
)	
PETER LIK RETAIL USA, INC., and its)	
successor or assign,)	
)	
Garnishee.)	
_____)	

To the Garnishee: Peter Lik Retail USA, Inc.
 1645 Village Center Circle, Suite 170
 Las Vegas, NV 89134

An Application For Writ of Continuing Garnishment against the following described earnings, money or property of the above named Defendant/Judgment Debtor has been filed with the Court.

Whereupon the Court, having considered the Application for Writ of Continuing Garnishment against the earnings of the Defendant/Judgment Debtor Jason Kellow, finds that the requirements of 28 U.S.C. § 3205 are satisfied and that an appropriate Writ of Continuing Garnishment shall, and hereby does, issue.

IT IS THEREFORE ORDERED THAT:

1. A judgment has been entered against the above named Defendant/Judgment Debtor in the amount of \$1,100,000.00. As of August 30, 2017, \$13,547.00 has been credited to the account including the special assessment, leaving a balance due of \$992,728.89 on the

1 restitution, which includes \$5,605.57 in accrued interest.

2 2. The Garnishee shall withhold and retain any earnings, money or property on which
3 the debtor has a substantial nonexempt interest and for which the Garnishee is or may become
4 indebted to the Judgment Debtor pending further order of this Court. Do not deliver property to
5 the Court at this time. Withhold and retain property until such time as the Court orders its
6 distribution.

7 3. The Garnishee is required by law pursuant to 28 U.S.C. §3205(c)(2)(E) to complete
8 under oath the accompanying Answer of Garnishee within ten (10) days of receipt of this Writ
9 of Continuing Garnishment, and file the original with:

10 Clerk of the Court
11 U.S. District Court
12 333 Las Vegas Boulevard, South
13 Room 1334
14 Las Vegas, Nevada 89101

15 4. The Garnishee is also required to send a copy to the Judgment Debtor at:

16 Jason Kellow
17 10523 Bryn Haven Avenue
18 Las Vegas, NV 89135

19 and a copy to:

20 Mark E. Woolf
21 Assistant United States Attorney
22 United States Attorney's Office
23 501 Las Vegas Boulevard South, Suite 1100
24 Las Vegas, Nevada 89101

25 Self-addressed envelopes are included for this purpose. If you fail to file an answer or withhold
26 property in accordance with this Writ, the United States may petition the Court for an order
27 requiring you to appear before this Court and answer this Writ and withhold property before
28 the appearance date. See 28 U.S.C. § 3205(c)(6). If you fail to answer, or appear and fail to
show good cause why you failed to comply with this Writ, the Court shall enter a judgment
against you for the value of the substantial nonexempt property that should have been withheld
and may award reasonable attorney fees to the United States. Id.

6. Garnishee is prohibited from discharging the Defendant/Judgment Debtor from employment by reason of the fact that his/her earnings have been subject to garnishment for any one indebtedness.

See 15 U.S.C. § 1674.

7. Pursuant to 28 U.S.C. § 3205(c)(3), the United States shall serve the Garnishee and the Judgment Debtor with copies of this Writ of Continuing Garnishment and shall certify to the Court that such service was made. The Writ shall be accompanied by the instructions required by 28 U.S.C. § 3205(c)(3)(A) and (B).

8. Under the law, there is property which may be exempt from this Writ of Garnishment. Property which may be exempt is listed on the attached exemption list.

Dated: _____

DEBRA K. KEMPI
Clerk, U.S. District Court

By: _____
Deputy Clerk

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	
	)	Case No. 2:10-cr-00287-GMN-VCF
Plaintiff/Judgment Creditor,)	
	)	CLERK'S NOTICE OF
v.	)	POST-JUDGMENT
	)	GARNISHMENT
JASON KELLOW,)	
)	
Defendant/Judgment Debtor,)	
)	
and)	
)	
PETER LIK RETAIL USA INC., and its)	
successors or assign,)	
)	
Garnishee.)	
_____)	

You are hereby notified that this property is being taken by the United States Government, which has a court judgment in the above-entitled action in the sum of \$1,000,000.00 for *restitution*.

In addition, you are hereby notified that there are exemptions under the law which may protect some of this property from being taken by the United States Government if Defendant/Judgment Creditor Jason Kellow can show that the exemptions apply. Attached is a summary of the major exemptions which may apply under federal law.

If you are Jason Kellow, you have a right to ask the court to return your property to you if you think you do not owe the money to the Government as it claims, or if you think the property the Government is taking qualifies under one of the exemptions on the attached list or if you think you do not owe the money to the United States Government that it says you do.

If you want a hearing, you must notify the court within 20 days after you receive this notice. Your request must be in writing. The hearing will take place within 5 days after the request is received, or as soon thereafter as practicable. See 28 U.S.C. §3202(d). If you wish, you may use the attachment entitled Affidavit of Exemptions and Request for Hearing. To

1 request the hearing, fill out the information and check the appropriate box. You also need to
2 indicate which exemption(s) from the attached list you are claiming and have your oath and
3 signature notarized on the verification of the Affidavit. Attach the Claim for Exemption Form
4 with the appropriate exemption(s) checked. You must either mail or deliver in person both forms
5 (Affidavit of Exemptions and Request for Hearing form and Claim for Exemptions Form) to:

6 Clerk, United States District Court
7 333 Las Vegas Boulevard, South, Room 1334
8 Las Vegas, Nevada 89101

9 So the Government will know you want a hearing, you must also send a full copy of your request
10 to the United States Attorney at:

11 United States Attorney's Office
12 Attn: Financial Litigation Unit
13 501 Las Vegas Boulevard, South, Suite 1100
14 Las Vegas, Nevada 89101

15 At the hearing you may explain to the judge why you think you do not owe the money to
16 the Government. If you do not request a hearing within 20 days of receiving this notice, your
17 property may be delivered to the United States Government to be applied toward your debt.

18 If you think you live outside the Federal judicial district in which the court is located,
19 you may request, not later than 20 days after you receive this notice, that this proceeding to take
20 your property be transferred by the court to the Federal judicial district in which you reside. You
21 must make your request in writing, and either mail it or deliver it in person to the clerk of the
22 court at:

23 Clerk, United States District Court
24 333 Las Vegas Boulevard South, Room 1334
25 Las Vegas, Nevada 89101

26 So the Government will know you want the proceeding to be transferred, you must also send a
27 copy of your request to the United States Attorney at:

28 United States Attorney's Office
Attn: Financial Litigation Unit
501 Las Vegas Boulevard, South, Suite 1100
Las Vegas, Nevada 89101

1 Be sure to keep a copy of this notice for your own records. If you have any questions
2 about your right or about this procedure, you should contact a lawyer, an office of public
3 assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer
4 you to other sources of information.

5 Dated: _____

DEBRA K. KEMPI
Clerk, U.S. District Court

Clerk of Court

**NOTICE TO JUDGMENT DEBTOR ON
HOW TO CLAIM EXEMPTIONS AND FURTHER INSTRUCTIONS**

This post-judgment enforcement has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. The attached Claim for Exemption Form lists the exemptions available to you under federal law. There is no exemption solely because you are having difficulty paying your debts.

If you believe that the money or property about to be taken from you is exempt, you should (i) fill out the claim for exemption form, (ii) sign and notarize the form, and (iii) deliver or mail the form to the clerk's office of this court and send a copy to the counsel for the United States. This must be done within 20 days after this Notice was served. You have a right to a hearing within five business days, or as soon thereafter as practicable, from the date you file your claim with the court.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case.

If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

OBJECTIONS TO ANSWER. The garnishee has 10 days to file and serve a copy of its original answer to the writ of garnishment. Pursuant to 28 U.S.C. § 3205(c)(5), within 20 days after receipt of the answer, either you or the United States may file a written objection to the answer and request a hearing. A copy of the objection and request for a hearing shall be served on the garnishee and all other parties. The court shall hold a hearing within 10 days after the date the request is received by the court, or as soon thereafter as is practicable, and give notice of the hearing date to all parties.

CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- ☐ 1. Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family. See 26 U.S.C. § 6334(a)(1).

- ☐ 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$9,200** in value. See 26 U.S.C. § 6334(a)(2).

- ☐ 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$4,600** in value. See 26 U.S.C. § 6334(a)(3).

- ☐ 4. Unemployment benefits.--Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico. See 26 U.S.C. § 6334(a)(4).

- ☐ 5. Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee. 26 U.S.C. § 6334(a)(5).

- ☐ 6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code. See 26 U.S.C. § 6334(a)(6).

- ☐ 7. Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico. See 26 U.S.C. § 6334(a)(7).

- ☐ 8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to

the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment. See 26 U.S.C. § 6334(a)(8).

- ____ 9. Certain service-connected disability payments.-- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38. See 26 U.S.C. § 6334(a)(10).
- ____ 10. Assistance under Job Training Partnership Act.--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act. See 26 U.S.C. § 6334(a)(12).
- ____ 11. Minimum exemptions for wages, salary and other income. The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

Check on this form which exemption(s) from enforcement you are claiming, and attach to the Affidavit of Exemptions and Request for Hearing, along with copies of your documentation. The completed Affidavit with attachments must be signed, notarized and filed with the Clerk of the Court.

Within 20 days after this Notice was served, you must either mail or deliver this notarized form in person to:

Clerk, United States District Court
333 Las Vegas Blvd. South, Room 1334
Las Vegas, Nevada 89101.

You must also send a copy of your request to the United States Attorney at:

United States Attorney's Office
Attn: Financial Litigation Unit
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101

IF YOU DO NOT MAIL, FILE, OR DELIVER THIS FORM WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
	)	Case No. 2:10-cr-00287-GMN-VCF
Plaintiff/Judgment Creditor,)	
	)	CLAIM FOR EXEMPTIONS,
v.	)	REQUEST FOR HEARING, AND/OR
	)	REQUEST FOR TRANSFER
JASON KELLOW,)	
)	
Defendant/Judgment Debtor,)	
)	
and)	
)	
PETER LIK RETAIL USA, INC., and its)	
successors or assigns,)	
)	
Garnishee.)	

1. Complete this paragraph if you claim the property executed upon is exempt:

() (a) The property which has been executed upon is exempt from execution because it is:

(Check the applicable box or boxes):

- ☐ Wearing apparel and school books
- ☐ Fuel, provisions, furniture, and personal effects up to the amount allowed by law
- ☐ Books and tools of a trade, business or profession up to the amount allowed by law
- ☐ Unemployment benefits
- ☐ Undelivered mail
- ☐ Certain Pensions
- ☐ Workers' Compensation
- ☐ Judgments for support of minor children
- ☐ Certain service-connected disability payments
- ☐ Assistance under Job Training Partnership Act
- ☐ Other (describe)

() (b) Check if applicable: I have attached copies of the documents that show my property is exempt.

2. Complete this paragraph if you believe the Writ of Continuing Garnishment was improperly issued:

() I believe that the Writ of Continuing Garnishment was issued improperly. Explain.

() I claim ownership of all or part of the property taken and I am not one of the persons against whom a judgment has been entered.

() I do not own the property taken.

3. () I request a hearing in this matter.

4. () I request a transfer to _____ (District) of
(State), which is where I reside.

5. () I do not request a hearing in this matter.

I verify under penalty of perjury that the foregoing statements made in this Affidavit of Exemptions and Request for Hearing are true and correct.

Dated this _____ day of _____ 2017.

Signature of Debtor

Printed Name

Mailing Address

Phone Number